

INFORMATION FOR EDUCATIONAL AGENCIES

THE IOWA EDUCATIONAL EQUITY REVIEW PROCESS

**STATE OF IOWA
DEPARTMENT OF EDUCATION
GRIMES STATE OFFICE BUILDING
DES MOINES, IOWA 50319**

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It is the policy of the Iowa Department of Education not to discriminate on the basis of race, color, national origin, gender, disability, religion, creed, age, or marital status in its programs or employment practices. If you have questions or grievances related to this policy please contact Carol Greta, Legal Consultant, Office of the Director, Grimes State Office Building, Des Moines, Iowa 50319-0146, (515) 281-8661.

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A. MAJOR FEDERAL NONDISCRIMINATION LEGISLATION

1. Title VI of 1964 Civil Rights Act

"No person in the United States shall, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

2. Title VII of the 1964 Civil Rights Act

Title VII prohibits discrimination in employment on the basis of race, color, religion, national origin, or gender in educational agencies with fifteen or more employees. Areas such as recruitment, hiring, promotion, salaries, benefits and retirement are covered.

3. Title IX of the Educational Amendments of 1972

"No person shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

4. Section 504 of the Vocational Rehabilitation Act of 1973

"No otherwise qualified persons with disabilities shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

5. Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Gender and Disability in Vocational Education Programs, 1979

As a result of the court ruling in Adams vs. Califano, state education agencies are required to develop methods of administration for assuring sub-recipient's compliance with Title VI, Title IX, and Section 504 of the Vocational Rehabilitation Act.

6. Americans with Disabilities Act Of 1990

This Act prohibits discrimination on the basis of disability in all services, programs, and activities of the public and private sector regardless of funding source.

B. MAJOR STATE NONDISCRIMINATION LEGISLATION

1. Chapter 280.3 Uniform School Requirements - Iowa Code

Chapter 280.3 prohibits discrimination on the basis of race, color, creed, sex, marital status or national origin in the public schools of Iowa. It covers all components of the educational program.

2. Chapter 256.11 - Iowa Code

Chapter 256.11 requires that schools and school districts use a multicultural, gender-fair approach. It requires that the educational program be taught from a multicultural, gender-fair approach.

Chapter 12 of the Iowa Administrative Code defines and sets the standards for multicultural, gender-fair programs. Chapter 12 also speaks to equity issues in relation to school integration, data collection and analysis, discipline, comprehensive school improvement, staff development, standards and benchmarks, curriculum infusion, talented and gifted programs, special education programs, and reporting on student achievement.

The Department of Education is the monitoring and compliance agency for maintenance of minimum school standards. The Department also has technical assistance responsibilities

3. Chapter 216.9 Civil Rights Commission - Iowa Code

Chapter 216.9 prohibits discrimination on the basis of sex, race, creed, national origin, religion and disability in any educational agency in the state of Iowa. It includes admission and recruiting, intramural and interscholastic athletics, employment and all educational programs. This legislation gives the Iowa Civil Rights Commission jurisdiction over educational programs.

4. Chapter 280.4 Uniform School Requirements - Iowa Code

This section of the code requires that language assistance be provided for students whose primary language is one other than English. Chapter 60 of the Iowa Administrative Code sets the standards for these programs.

5. Section 19.B11 - Iowa Code

This legislation requires non-discrimination in employment in school districts, area education agencies and merged area schools. It also requires those agencies to implement affirmative strategies to recruit and employ persons from groups that are underrepresented in their current employee pool. Chapter 95 of the Iowa Administrative Code contains rules for affirmative employment strategies in the recruitment, appointment, assignment and advancement of personnel. It covers race, creed, color, religion, national origin, sex, age, and disability.

C. HISTORY OF EDUCATION EQUITY MONITORING

1. Title VI of Civil Rights Act of 1964

Title VI requires that state education agencies, which distribute federal financial assistance to local education agencies, must give reasonable assurance that the sub-recipients of this assistance are complying with Title VI. State education agencies are required to develop "Methods of Administration," which reasonably assure that sub-recipients are in compliance, and that any non-compliance will be corrected.

2. Policy and Guidelines on Nondiscrimination in Iowa Schools, 1971

These guidelines defined racial isolation in Iowa schools and set the criteria for racial integration. In 1972, the State Board of Public Instruction requested integration plans from school districts and established an annual monitoring process. This integration monitoring continued through 1991 when it was consolidated into the Educational Equity Review Process.

3. Adams vs. Califano, 1973

The United States Office of Civil Rights was sued for not enforcing the Title VI requirement that state education agencies have a "Method of Administration" in place. The suit was directly related to vocational education programs. As a result of this litigation, the Department was directed to implement compliance checks in vocational/occupational education programs through desk audits, on-site reviews, and the issuance of guidelines explaining the application of Title VI regulations to vocational education.

4. **Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National, Gender and Disability in Vocational Education Programs, 1979**

As a result of the court ruling in Adams vs. Califano, state education agencies are required to develop methods of administration for assuring sub-recipients' compliance with Title VI, Title IX and Section 504 of the Vocational Rehabilitation Act. These methods of administration are to include:

- State policy reviews
- Desk audits of sub-recipient enrollment and staffing data as well as other equity
- On-site reviews of local education agencies to assess their degree of compliance
- Technical assistance on equity issues
- Biennial program reports to the United States Office of Civil Rights

5. **Comprehensive Civil Rights Monitoring Process - 1985.**

The State Board of Education made the decision to broaden the "Methods of Administration" review process to cover the entire educational program in 1985. This decision was made because federal and state civil rights laws cover the entire educational program. Since state agency staff persons were already being mobilized to review equity concerns, it did not make sense to look solely at vocational programs and ignore other areas of the school program. This decision was consistent with recommendations made by the Iowa Advisory Committee on Educational Equity and the First In The Nation in Education (F.I.N.E.) Report of the Iowa Legislative Task Force on Education. Although the reviews are comprehensive, strong emphasis continues to be placed on equity in vocational education programs.

6. **Educational Equity Review - 1991**

The race equity review process and the methods of administration monitoring programs were administered separately from 1982-1991. Based upon recommendations of the Iowa Educational Equity Advisory Committee and concerns raised by educational agencies about the duplication of effort, these two monitoring processes were consolidated into the educational equity review process. This process incorporates all of the components of both of the former processes. The desk audit analyzes data previously collected by the state, which may indicate possible compliance problems.

7. **School Improvement and the Educational Equity Review- 2002**

Prior to 2002 The Educational Equity Reviews were conducted separately from the K-12 School Improvement/Accreditation Visits. Budget cuts over several years have

led to the consolidation of the two processes. The blending of these two processes should be as seamless as possible for the district, while at the same time maintaining the state's responsibility for ensuring that educational agencies are adhering to civil rights and equity legislation.

II. Educational Equity Review Process

A. Selection Criteria

There are several criteria used to determine who will have an equity review each year. The universe from which school districts are selected for equity reviews includes all the school districts that are scheduled to have their school improvement/accreditation visit in a given year. The criteria used to select districts from that universe include; (1) The review of disaggregated achievement data and disaggregated course enrollment data; (2) Referrals from other State Department of Education Program Staff; (3) Referrals from other state or regional agencies; (4) Complaints received from parents, students, staff, applicants for employment or community representatives; (5) Changing demographics within the boundaries of an educational agency and (5) The time elapsed since the district's last Equity Review

B. Notification of On-site Review

The notification of the Equity Visit is done in concert with the notification of the School Improvement/Accreditation visit to the educational agency. During the months of September and October, each agency receiving an on-site review will be notified by letter as to the date of the review, and the identity of the review team leader. Also included with the letter will be the following information:

- Materials to be reviewed (Both School Improvement & Equity)
- Persons to be interviewed (Both School Improvement & Equity)
- Model Schedule (School improvement visit with an equity focus)
- School Improvement Visit Protocol Document, an Equity Review On-Site Review Manual and an Equity Review Data Manual

There will also be an orientation session held for school districts having a visit. The orientation session will be held in September or October each year.

C. DURATION OF SITE REVIEWS

The on-site reviews may be 3-5 days in length. This will vary with the size of the agency being reviewed.

D. MEMBERS OF THE REVIEW TEAM

The comprehensive on-site review team will have 6-15 members. There will be 2-5 equity team members. The number of team members will vary with the size of the educational agency being reviewed.

E. SPECIFIC MATERIALS TEAM MEMBERS WILL REVIEW

1. Board policy books.
2. Counseling materials (including aptitude and career interest inventories, career education material and recruitment brochures).
3. Master class schedules for teachers and students.
4. Recruitment brochures, course descriptions and registration handbooks.
5. Civil rights related grievance procedure, forms, and announcements.
6. EEO/affirmative action plans.
7. Employment application forms, job descriptions, staff evaluation instruments and salary schedules.
8. Agreement forms for student job placement, work experience and work-site based programs
9. Comprehensive school improvement plan and the Annual progress Report
10. Standards and Benchmarks for the Curriculum
11. Membership lists for advisory committees.
12. Disaggregated enrollment data for courses, programs, and activities
13. School newsletters, major publications and web-sites
14. Disaggregated employee data by race/national origin, sex and disability
15. Handbooks for clubs and extra-curricular organizations
16. Discipline and harassment policies
17. Open enrollment and voluntary transfer brochures as well as related data and information
18. Yearbooks and graduation awards program
19. Student, staff and parent handbooks

Districts will be asked to submit the completed data manual to the Equity Team leader no later than two weeks prior to the visit.

F. Observations

1. Restrooms
2. Central office (including board rooms)
3. Whirlpools
4. Career and technical facilities
5. Lab areas
6. Computer labs
7. ICN rooms
8. Gymnasium

9. Auditorium
10. Media Center
11. Cafeteria
12. Any other specialized facility within the district

G. PERSONS TO BE INTERVIEWED

1. Administrators
2. Counselors and academic advisors
3. Selected career and technical education instructors (Grades 6-12)
4. Selected teachers from mathematics, science, computer science, social studies, language arts, music, art, and physical education (Grades 6-12)
5. Selected elementary teachers
6. Selected special education teachers
7. Equity coordinator(s)
8. Members of the School Improvement Advisory Committee (SIAC) and members of the Career & Technical Advisory Council and the Equity advisory Committee if they exist independent of the SIAC.
9. Students representing the demographics of the district (Grades 6-12)
10. Staff and teachers working with English language learners
11. Personnel director or staff who coordinates employment policies and practices
12. Coordinators of special education, gifted and talented programs and at-risk programs
13. Media center personnel
14. Curriculum coordinator
15. Athletic director
16. Coaches
17. Support staff
18. Parents

Some of these individuals will be interviewed equity team members in concert with the school improvement interviews and the Equity Review Team Leader will do others independently.

G. POST REVIEW ACTIVITIES

1. Letter of findings for on-site review

Agencies will be notified of the results of the review within sixty days. There will be a separate letter of findings for the school improvement and the equity review process. The notifications will include areas of strengths, areas of noncompliance and recommendations for improvement. The agency will be asked to respond to the areas of noncompliance by submitting a voluntary compliance plan.

2. Voluntary Compliance Plan

The voluntary compliance is due to the department within 60 days of the date of the letter of findings. The plan must include a clear statement of the specific actions the agency will take to remedy each of the areas of noncompliance, the staff person(s) responsible for each action, and a reasonable projected timeline for completing the action. Department staff will review voluntary compliance plans and the agency will receive a response as to the acceptability of their plan.

3. Appeal process

Agencies may appeal areas of noncompliance by submitting a written statement to the State Director within 30 calendar days of receipt of the letter findings.

This appeal should specifically detail the area of findings being challenged and include documentation invalidating the finding by the team. The State Director will appoint a panel to be chaired by the Deputy Division Administrator of the Division of Early childhood, Elementary and Secondary Education. The result may be either a change in the report, or an affirmation of the original report, in whole or in part, within 14 calendar days.

The local education agency may indicate a desire to continue the appeal in writing to the Administrator of the Division of Early Childhood, Elementary and Secondary Education within 14 calendar days. A meeting will be scheduled with the Administrator, Division of Early Childhood, and Elementary & Secondary Education. The Administrator will make a decision and transmit the decision to the local education agency in writing within 14 calendar days.

4. Follow-up visit

During the second semester of the year following the on-site visit, the team leader will return to the agency to monitor progress toward the implementation of the voluntary compliance plan.

The procedure for continued monitoring after the initial follow-up visit by the team leader includes a formal letter to each agency outlining the components of the Voluntary Compliance Plan that have been completed. If all the components of the plan have been completed, the agency will receive a letter notifying them that the review file is being closed. If more time is needed to implement one or more compliance items a new short-term timeline may be arranged. Department staff

continue to monitor all the unfinished components until they are satisfactorily implemented.

H. CONSEQUENCES OF CONTINUED NON-COMPLIANCE

In the event that an agency does not cooperate by submitting a voluntary compliance plan or does not show good faith effort to complete its voluntary compliance plan, the State Director on behalf of the State Board, will take one of following steps:

- Notify the Office of Civil Rights (federal law)
- Notify the Iowa Civil Rights Commission or the Attorney General's Office (state law except Chapter 256)
- Recommend a Phase II visit in the accreditation process as outlined in Chapter 12 of the Iowa Administrative Code (Chapter 256 Iowa School Standards)

I. Report to United States Office of Civil Rights

A biennial report will be made to the United States Office of Civil Rights. This report must contain each letter of findings and the voluntary compliance plan for each agency visited within the reporting period.